

Nathan Ochsner, Clerk of Court

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COUNTY OF OFFENSE:
NEW YORK

(Title 18, United States Code, Section 933(a)(3).)

COUNT TWO

(Smuggling Goods from the United States)

3. From at least in or about April 2022 until at least in or about November 2022, in the Southern District of New York and elsewhere, MIGUEL BARRERA, a/k/a “Raul Puebla,” the defendant, did fraudulently and knowingly export and send from the United States, and attempt to export and send from the United States, merchandise, articles, and objects contrary to United States laws and regulations, and did receive, conceal, buy, sell and facilitate the transportation, concealment, and sale of such merchandise, articles and objects, prior to exportation, knowing the same to be intended for exportation contrary to United States laws and regulations, to wit, BARRERA received and purchased firearms and firearms components with the intention of exporting them from the United States, and thereafter concealed and exported, and attempted to export such firearms and firearms components, and aided and abetted exporting such firearms and firearms components, knowing that the export of such firearms and firearms components was contrary to law, specifically Title 50, United States Code, Section 4819(a)(2) and Title 15, Code of Federal Regulations, Section 736.2(b)(1).

(Title 18, United States Code, Sections 554, and 2.)

The bases for my knowledge of the foregoing charges are, in part, as follows:

4. I am a Special Agent with HSI and have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, including my review of law enforcement records and other documents, law enforcement surveillance, my conversations with other law enforcement officers, and my review of some electronic communications between conspirators in this scheme, I have learned, among other things, the following about a conspiracy to illegally traffic firearms and firearm components from New York City to Mexico:

a. In April 2022, the HSI NY Strategic Interdiction Group (“HSI SIG”) was notified of suspicious purchases of firearm components taking place at a firearms retailer in Oakdale, New York (the “Gun Store”) that sells, among other things, parts for AR-15 style rifles. Specifically, an employee at the Gun Store reported, in substance and in part, that a man had visited three times between April 7, 2022 and April 8, 2022 and had requested to purchase all of the upper receivers that the Gun Store had in stock. The man purchased twelve upper receivers costing approximately \$9,000, which he paid for in cash. During the transaction, the man presented a United States passport listing the name “Miguel Angel Barrera” (the “Barrera Passport”). Based on my review of a copy of the Barrera Passport, my review of other records in law enforcement databases associated with Miguel Barrera, my review of surveillance footage from DSI, and my personal observations of Miguel Barrera during an interaction with law enforcement at an airport,

I believe the man who purchased the twelve upper receivers from the Gun Store was MIGUEL BARRERA, a/k/a “Raul Puebla,” the defendant.

b. HSI SIG, alongside the New York City Police Department (“NYPD”), and other law enforcement agencies, initiated an investigation which revealed that between April 2022 and November 2022, over the course of numerous visits to the Gun Store, BARRERA, and his co-conspirators, purchased firearms receivers and components from the Gun Store and that BARRERA and his co-conspirators later exported and attempted to export firearms receivers and components and complete firearms to Mexico.

c. On or about September 9, 2022, one of BARRERA’s co-conspirators (“CC-1”) purchased from the Gun Store \$20,741.40 in firearm components, including 30 AR-15 upper receivers, which I believe (as discussed in greater detail below) were later shipped to Mexico.

d. CC-1 was later arrested in November 2022 for immigration offenses, and CC-1’s phone (the “CC-1 Phone”) was seized incident to his arrest. During a subsequent search of the CC-1 Phone, law enforcement agents identified several WhatsApp messages exchanged between CC-1 and a contact saved as “Raul Puebla.”

e. Based on my involvement in this investigation, I believe that “Raul Puebla” is BARRERA. Specifically, on or about July 1, 2022, the CC-1 Phone received an audio message from the “Raul Puebla” contact stating, “That’s how it is, dude, Miguel Angel Barrera. I only have one last name. That’s how it is in my passport.” The same day, the “Raul Puebla” contact sent the CC-1 Phone a picture of what appears to be a Mexican identification card held in the name of “Miguel Angel Barrera.”¹ Based on reviewing known photographs of BARRERA in law enforcement databases, and a copy of the Barrera Passport, and my personal observations of BARRERA, I believe the photograph in the Mexican identification card depicts BARRERA and further that the “Raul Puebla” contact in the CC-1 Phone is BARRERA.

f. Messages exchanged between CC-1 (via the CC-1 Phone) and BARRERA on or about September 9, 2022, describe that CC-1 was shipping firearms components to Puebla, Mexico from New York at the direction of BARRERA. For example:

i. On or about September 9, 2022, CC-1 sent BARRERA the image below of a receipt for the purchase of \$20,741.40 in AR-15 parts from the Gun Store.

¹ All recorded communications between MIGUEL BARRERA, a/k/a “Raul Puebla,” and the CC-1 Phone were in Spanish. Many of those communications have been translated into English and are described in this Complaint.



ii. BARRERA responded with an audio message that said: “[CC-1], that’s fine. So you purchase thirty (30) barrels. Forty (40) of the insides. And forty (40) of the grips. That’s fine, [CC-1]. That’s fine, that’s fine with that.”

iii. CC-1 and BARRERA then exchanged a series of text and audio messages discussing, among other things, whether the purchased components would fit in one box or two for shipping, before settling on packing everything in a single box. BARRERA then sent an audio message to CC-1 asking about the timing of getting the box to a trailer and where to store the box if CC-1 finished packing it before the trailer began loading. In that message BARRERA said “At what time will you have the box ready, brother? So that, uh . . . because the trailer starts at six (6:00) in the afternoon. And if you finish before, right now I’ll see where, where we can take it.”

iv. In a later message BARRERA, directed CC-1 to take the box to a trailer in Queens but expressed concern about whether the shipper would inspect the contents of the box before shipping it to Mexico. In an audio message BARRERA said: “Uh, no the thing is that . . . No, no it’s not that dude, it’s that they will go . . . they get the curiosity since they don’t, don’t know us. Same, I don’t remember but they could say, ‘Let’ see, let’s inspect it quick to see what it has and we’ll close it again.’ And it’ll be bad luck, right, dude? But, I already, already spoke with the man. Right now take, take it here in . . . to Corona, please, dude. Later on they will make me the favor to take it.”

v. In another message, BARRERA instructed CC-1, in sum and substance, on how to label the box for shipping and wrote: “[CC-1], just remember to paste the

sheet that says Raul, Package Store San Jose.” CC-1 responded: “Yes, dude. I already paste it. I’ll send you the picture right now.” CC-1 then sent BARRERA the photograph below.



g. On or about September 28, 2022, CC-1 and BARRERA engaged in another conversation about purchasing and shipping firearm components. During the conversation, CC-1 sent BARRERA several pictures of, among other things, AR-15 upper receivers. CC-1 and BARRERA then discussed buying dozens of AR-15 upper receivers. BARRERA also directed CC-1 to go to multiple gun stores and discussed giving CC-1 a raise. CC-1 later sent BARRERA pictures of two boxes that I believe were packed with gun components and addressed in the same way as the box that was shipped on or about September 9, 2022. Some of the pictures that CC-1 sent to BARRERA during the conversation on or about September 28, 2022 are below.

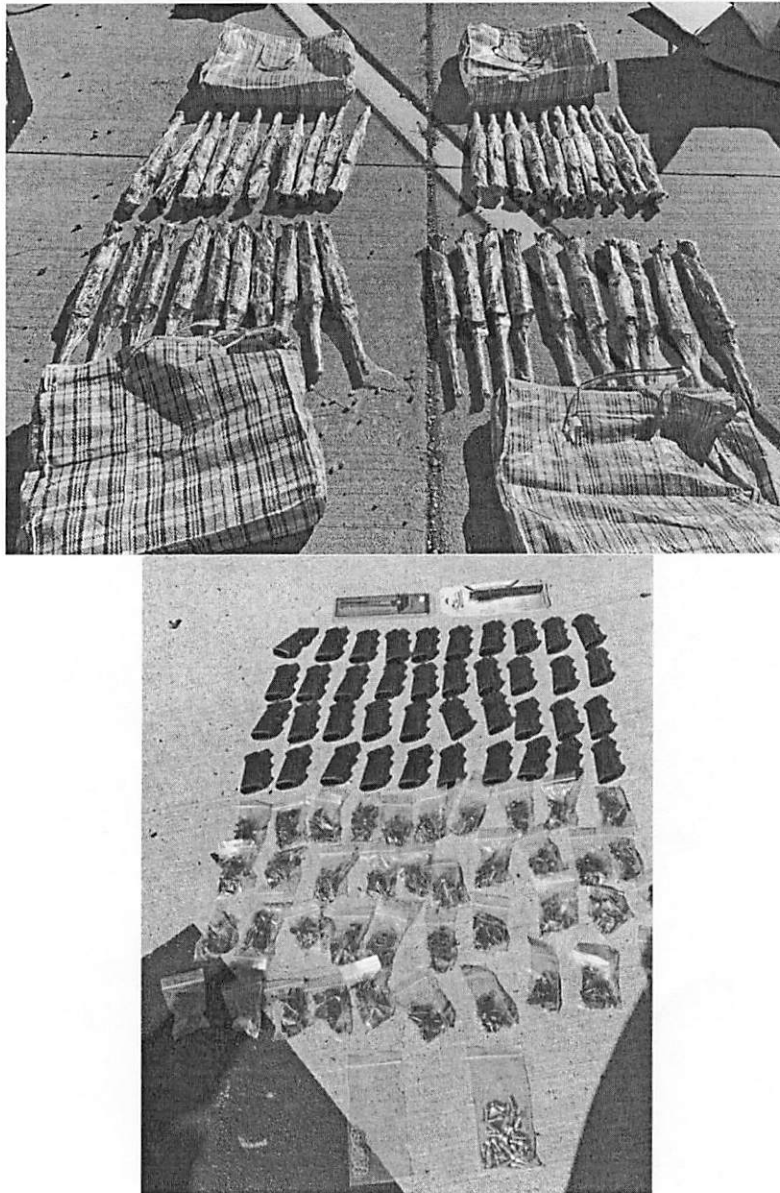


h. On or about October 20, 2022, CC-1 purchased 40 upper receivers for AR-15 rifles and other firearm components from the Gun Store. Video surveillance obtained from the Gun Store showed CC-1 wrapping each upper receiver in plastic and placing them into multi-colored plastic bags. Law enforcement surveilled CC-1 traveling from the Gun Store to a location in Queens, New York, where CC-1 was observed packing the multi-colored plastic bags into two large “Home Depot” boxes (the “Home Depot Boxes”). CC-1 was then observed traveling to another location in Queens, New York and meeting with three unidentified Hispanic males. CC-1 was then observed, with the assistance of one of the unidentified males, loading the Home Depot Boxes into a tractor trailer with a Texas license plate (the “Tractor Trailer”). Law enforcement surveilled the Tractor Trailer throughout the night while vehicles continued to drop off boxes to

be loaded onto the trailer until it was completely full, at which point it was sealed and departed from the location, traveling through the Southern District of New York into New Jersey, via the George Washington Bridge. Two photographs that CC-1 sent to BARRERA on or about October 20, 2022, and which show boxes prepared for shipment, are below.



i. On or about October 21, 2022, at approximately 7:00 a.m., New Jersey State Police, at the direction of HSI SIG, conducted an investigative stop of the Tractor Trailer. During that stop, the driver of the Tractor Trailer stated, in sum and substance, that his entire load was going to Mexico, and he subsequently consented to the search of the Tractor Trailer and all of its contents. The search revealed, among other things, approximately \$20,000 in U.S. currency in the Tractor Trailer's cabin and the Home Depot Boxes, which were addressed to "Raul Paq, San Jose, Puebla." The Home Depot Boxes also contained 4 multi-colored plastic bags containing 40 complete upper receivers with bolt carriers for AR-15 rifles wrapped in plastic, 40 pistol grips, 40 AR-15 lower parts kits, 1 AR-15 charging handle, and 1 individual bolt carrier group by Anderson Manufacturing; these items were seized by law enforcement. Photographs of some of the contents seized from the Home Depot Boxes are below.



j. Of the forty complete AR-15 upper receivers that were seized, twenty-six of them were Upper model DS-15 complete Upper 16" MOE 5.56, ECCN 0A501.c and fourteen of them were Upper model DS-15 complete Upper 16" MOE 5.56 Threaded Black FDE, ECCN 0A501.c.

k. Based on my training and experience, my review of law enforcement records, my involvement in this investigation, and my conversations with other law enforcement officers, I know that both types of upper receivers are on the Commerce Control List, as indicated by their ECCN numbers. An export license is required to export these items to certain locations outside of the United States, including Mexico. No export license was attached to the Home Depot Boxes or any of the items contained therein; nor was an export license provided to the driver of the Tractor Trailer despite being destined for Mexico.

l. On or about November 17, 2022, CC-1 was again observed purchasing 30 upper receivers for AR-15 rifles and other firearm components from the Gun Store. CC-1 proceeded to pack the upper receivers in boxes and wrap them with shrink wrap. CC-1 was then observed delivering the boxes to an apartment in Queens, New York. After CC-1 delivered the boxes to the apartment and left, law enforcement agents spoke to the residents of the apartment, and the residents voluntarily gave the boxes to law enforcement. A search of the boxes confirmed that the boxes contained firearm components.

m. After CC-1 left the apartment, CC-1 was followed by law enforcement agents and was observed stopping for a few minutes at a second location in Queens, New York. After CC-1 returned to CC-1's car and left the second location, CC-1's car was stopped in a vehicle stop. CC-1 has no legal immigration status in the United States and was arrested. CC-1's car was searched and approximately \$145,550 in cash was found in the car. As previously described, CC-1's cellphone was also seized at this time.

n. Messages exchanged between CC-1 (via the CC1- Phone) and BARRERA also show that in addition to exporting firearm receivers and components, BARRERA, CC-1, and other co-conspirators were engaged in the trafficking and unlicensed exporting of complete firearms. For example:

i. On or about June 25, 2022, CC-1 and BARRERA engaged in a conversation concerning CC-1 receiving completed firearms from another co-conspirator ("CC-2") and then re-packaging those firearms for shipment to Mexico.

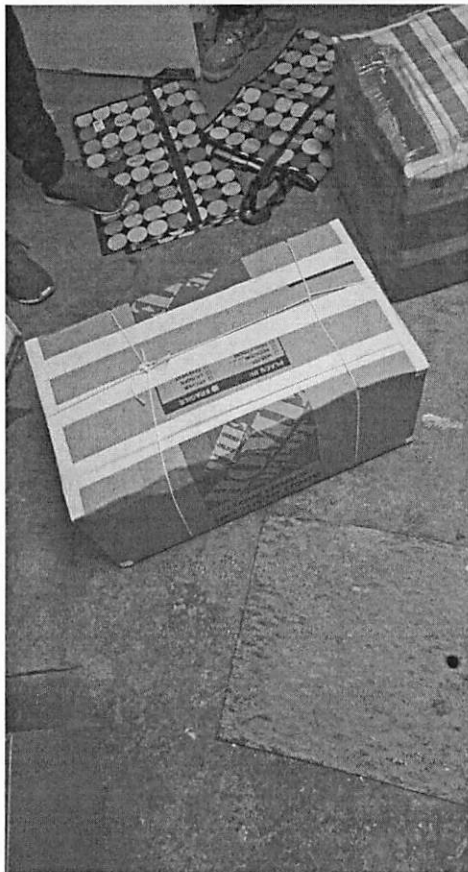
ii. In those messages, BARRERA directed CC-1 to pick up cash from another associate in order to pay CC-2, who was expected to deliver "stuff" to CC-1. BARRERA in another audio message instructed CC-1, in sum and substance, to pay CC-2 "32," which in context I believe means \$32,000, in exchange for the boxes CC-2 was delivering to CC-1.

iii. On or about June 25, 2022, prior to CC-1 meeting with CC-2, BARRERA warned CC-1 to not tell CC-2 how or where they were sending the "stuff" because CC-2 might take the work from them. Specifically, BARRERA said in an audio message that if CC-1 is asked by CC-2 "how or . . . where do you send them or what?" You tell him, 'No, no, I don't really know.' You say, . . . 'I only received the stuff, and he, he will arrive later' say . . . 'He'll send them over during the week.' Because they might want to take the work from us, dude, and then we won't have any work."

iv. BARRERA also said in an audio message that "you know that they just come, deliver, and leave," meaning that CC-1's meeting with CC-2 would be brief. The meeting with CC-1 and CC-2 was in fact brief. At approximately, 9:28 p.m. BARRERA said in an audio message to CC-1 that CC-2 had arrived, and at approximately 9:53 p.m., CC-1 confirmed that the packages had been delivered.

v. BARRERA followed up in other audio messages confirming that that CC-1 had received the boxes from CC-2 and instructing CC-1 that CC-1 should repack the boxes and "split the weight," and "seal them very well because the items will be heavy." CC-1 then sent the following photographs of the boxes he received from CC-2, and stated, in sum and

substance, that the boxes from CC-1 were too large and wouldn't fit in the boxes CC-1 had purchased to repackaging them.



vi. Based on my training and experience, my participation in this case, and my review of other messages (including those described below), I believe the “stuff” that BARRERA and CC-1 were discussing on or about June 25, 2022, were firearms that CC-2 had delivered to CC-1, and which CC-1 packaged and then shipped to Mexico.

vii. On or about July 23, 2022, CC-1 and BARRERA engaged in another conversation during which they discussed CC-1 receiving completed firearms from CC-2 and then repackaging those firearms for shipment to Mexico.

viii. On or about July 23, 2022, BARRERA said in an audio message to CC-1: “I think he will arrive there in about five (5) minutes, dude, because he was close by, he was there [U/I] since a while ago.” CC-1 responded that CC-1 was “buying tape” and “things like that . . . so [CC-1] can be ready.” In context, and as described more below, I believe this was a conversation about CC-2 arriving to deliver firearms to CC-1.

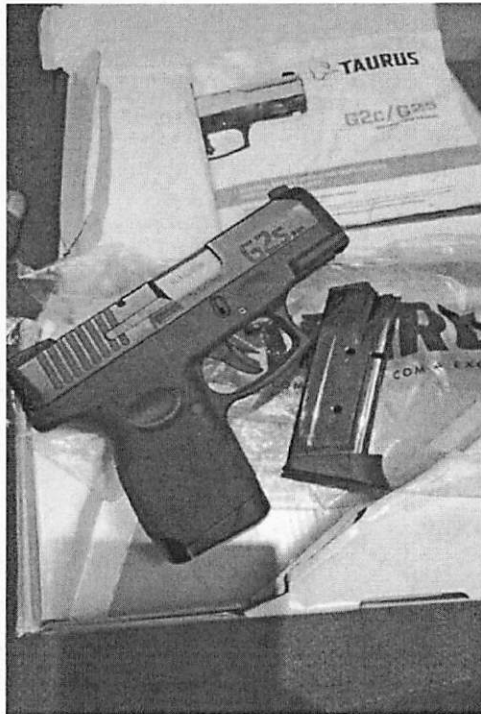
ix. Approximately an hour later BARRERA sent a message to CC-1 that said: “He says it says . . . uh, twenty-two (22) minutes on the GPS, twenty-two (22), twenty-

five (25) minutes, to get there to the office.” BARRERA followed up with another audio message that said: “[CC-1], uh, the, uh . . . you do also have the money from, from last week, right? So that I can do the math on how much there is in total, how much I am going to, I am going to give to the man.” Another approximately 30 minutes later, BARRERA left another message that said, in part: “He is already outside, [CC-1], he is already outside in a gray car with the flashing lights. If he asks you, tell him no, you say, ‘No, no, I don’t know anything’ and well, I already told him that you are my cousin, because if not, he will like, like they want to know how, like, uh, which way we send them and all that.”

x. About 10 minutes later, CC-1 sent BARRERA a photograph of two boxes that I believe are boxes that CC-2 had just delivered to CC-1. CC-1 also sent BARRERA a photograph that appears to show the contents of one of the boxes delivered by CC-2. The contents of the box include multiple hard plastic boxes that I recognize, based on my experience possessing and using firearms, and my experience investigating firearms offenses, as boxes in which handguns are sold. The photographs that CC-1 sent BARRERA are below.



xi. On or about August 10, 2022, BARRERA sent CC-1 the photograph below that depicts a Taurus handgun, packaging for a Taurus handgun, and an unloaded magazine for the Taurus handgun. After sending CC-1 the photograph, BARRERA sent CC-1 an audio message that said: “Do you think you can ask if they have this magazine? Say, that you want a magazine for that one... for Taurus GS2, pardon, G2S, nine millimeters (9mm), but a magazine.”



xii. On or about November 5, 2022, CC-1 sent BARRERA a message that read: "Brother, did you receive them?" BARRERA responded with, among other things a picture of four boxes that were packaged consistently with other boxes CC-1 sent to BARRERA, as shown below.



xiii. After BARRERA sent this photograph, CC-1 and BARRERA then discussed that BARRERA would open one of the boxes, and BARRERA sent CC-1 a photo of the contents. Included in the photograph, which is below, is a white box that I recognize as the

packaging used for the sale of Ruger brand handguns and what appear to be firearm components packaged in a similar manner as the firearm components that HSI seized from the Tractor Trailer on or about October 21, 2022.



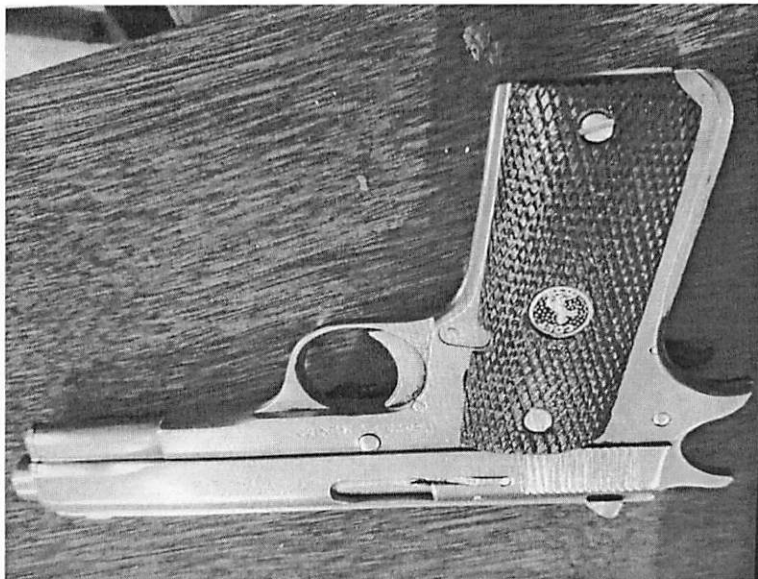
6. Based on my participation in the investigations, my conversations with other law enforcement officers, and my review of records in law enforcement databases, I learned that on or about June 7, 2023, MIGUEL BARRERA, a/k/a “Raul Puebla,” the defendant, traveled by plane from Mexico to the United States. Upon his arrival in Houston, Texas, BARRERA presented the Barrera Passport to U.S. Customs and Border Protection (“CBP”) Officers and attempted to be admitted to the country. BARRERA was then escorted to a secondary review where CBP Officers conducted a routine border search pursuant to CBP border search authority under federal statute and regulations, including but not limited to 19 C.F.R. § 162.6, that involved an on-site review of the cellphone that BARRERA was carrying (the “Barrera Cellphone”). The Barrera Cellphone was reviewed by CBP Officers for approximately two hours and fifteen minutes, which revealed the information listed below. Subsequent to the border search,² BARRERA was arrested on probable cause of suspected firearms trafficking and smuggling.

i. The Barrera Cellphone contained, among other things, the following photographs of a handgun, firearm components, and apparent narcotics:

² BARRERA was also found in possession of \$9,000 in cash at the time of his arrest.

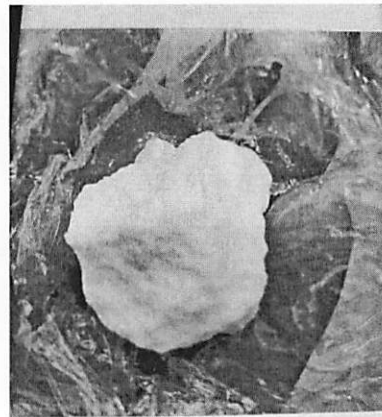


Photograph of Firearm Components



Photograph of a Handgun

Photographs of Apparent Narcotics




WHEREFORE, I respectfully request that MIGUEL BARRERA, a/k/a "Raul Puebla," the defendant, be imprisoned or bailed, as the case may be.

/s authorized electronic signature

Luis Diaz
Special Agent
Homeland Security Investigations

Sworn to me by reliable electronic means on
June 8, 2023.



THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK